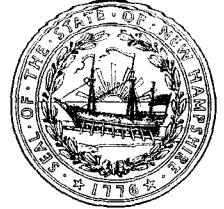




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

December 2, 2005

CERTIFIED MAIL
7000 1670 0001 2907 8774
RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

Forever in Time Photographers
300 Main Street
Salem, NH 03079

Attn: Michael Perrotta, Owner

Re: Forever in Time Photographers
Salem, New Hampshire
EPA ID # NHD510170764

Dear Mr. Perrotta:

On October 24, 2005 and on October 27, 2005, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Forever in Time Photographers ("FTP") in Salem, NH. The purpose of the inspection was to determine FTP's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100. The inspection was performed due to FTP's failure to comply in a timely manner with the requirements of RSA 147-A:5, IV, including submitting the Small Quantity Generator Self-Certification form and fee.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1. Env-Wm 808.02(b) – Generator Manifest Requirements

At the time of the inspection, you stated that due to a lack of on-site storage space, hazardous waste silver fixer solution ("D011 Solution") was routinely transported from the FTP facility located at 300 Main Street in Salem, New Hampshire to your home located at 27 Meditation Drive in Atkinson, New Hampshire. These shipments of D011 Solution were not documented on hazardous waste manifests.

Env-Wm 808.02(b) requires persons who generate recyclable materials that are regulated under Env-Wm 808 to follow the manifest requirements of Env-Wm 500, which includes using a hazardous waste manifest when shipping hazardous waste (e.g., D011 Solution) off-site.

DES requested that FTP discontinue the transportation of hazardous waste without a manifest.

On October 27, 2005, you stated that D011 Solution will no longer be transported to your home. During the inspection, DES personnel observed a containment unit that will be used to store the D011 Solution at the Salem facility. No further action is required.

2. Env-Wm 808.03(a), (b), (c), and (d) – Transporter Requirements

At the time of the inspection, you stated that you transported D011 Solution from the Salem facility to your home in Atkinson. You did not notify DES as a transporter of hazardous waste and did not register as a hazardous waste transporter. Additionally, as previously stated, FTP did not manifest these shipments of D011 Solution and did not deliver the shipments to an authorized facility.

Env-Wm 808.03(a), (b), (c), and (d) require persons who transport recyclable materials that are regulated under Env-Wm 808 to follow the notification requirements of Env-Wm 603, the manifest requirements of Env-Wm 604, the delivery requirements of Env-Wm 606, and the registration requirements of Env-Wm 609.

DES requested that FTP discontinue the transportation of hazardous waste.

On October 27, 2005, you stated that D011 Solution will no longer be transported to your home. During the inspection, DES personnel observed a containment unit that will be used to store the D011 Solution at the Salem facility. No further action is required.

3. Env-Wm 808.04(a) and (b) - Storage Facility Requirements

At the time of the inspection, you stated that FTP had been storing D011 Solution at your home. You had not notified DES that your residence was used as a storage facility for recyclable materials regulated under Env-Wm 808. Additionally, as previously stated, the shipments of D011 Solution to your residence were not documented on a hazardous waste manifest.

Env-Wm 808.04(a) and (b) require persons who store recyclable materials that are regulated under Env-Wm 808 to follow the notification requirements of Env-Wm 700, and the manifest requirements of Env-Wm 700.

DES requested that FTP discontinue the storage of D011 Solution at a non-notified facility and the transportation of D011 Solution without a manifest.

On October 27, 2005, you stated that D011 Solution will no longer be transported to your home. During the inspection, DES personnel observed a containment unit that will be used to store the D011 Solution at the Salem facility. No further action is required.

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of documents that corroborate the corrective measures taken by FTP to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may re-inspect your facility at a later date to determine whether the facility is maintaining full

compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.


The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, the Division currently maintains a Hazardous Waste Assistance Hotline which is available for the public to contact our knowledgeable staff of hazardous waste inspectors. The hazardous waste staff members are available to answer questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program, including the administrative plans and documents required under the Hazardous Waste Rules. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets on specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policies, regulatory interpretation letters and networking with other state or federal agencies to answer any questions at a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll-free at (1-866) HAZ-WAST (in-state only) or at (603) 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Robert Bishop, or Tod Leedberg, RCRA Compliance Supervisor, at 271-2942. Thank you for your cooperation.

Sincerely,


John J. Duclos, Administrator
Hazardous Waste Compliance Bureau
Waste Management Division

cc: DB/RCRA/NOPV/Archives
Anthony P. Giunta, P.G., Director, WMD/ Paul L. Heirtzler, P.E., Administrator, WMP, WMD
Gretchen Hamel, Administrator, DES Legal Unit

cc: JJD/SD

Enclosure: Hazardous Waste Generator Inspection Report
DES Environmental Fact Sheet #WMD-HW-2, "Management of Waste Photoprocessing Solutions."